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EXAMINER

HENRY, RODNEY M

ART UNIT

PAPER NUMBER

3622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,413	<b>Applicant(s)</b> OLSON ET AL.	
	<b>Examiner</b> RODNEY HENRY	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/20/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1, 10-15, 18, 19, 22-27, 29, 31-34, 36 and 38-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9, 16, 17, 20, 21, 28, 30, 35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The following is a final office action in response to communications received March 20, 2009. Claims 1, 10-15, 18, 19, 22-27, 29, 31-34, 36, 38-41 were canceled, and Claims 2, 4, 6, 7, 8, 16, 20, 21, 28, 30, 35, and 37 have been amended. Therefore Claims 2-9, 16, 17, 20, 21, 28, 30, 35, and 37 are currently pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3. Claims 2 – 9, 28 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Feezell (US 6,985,882).**

#### **As per Claim 2:**

Feezell et al. discloses a system for buying and selling spots for advertisements (see Abstract), said system comprising:

a central computer system connected to a global communications network (See FIG. 1, TSES (406), Database (405) and network (401));

an agency unit connected to the global communications network, said agency unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said agency unit being used

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by an agency in a process for buying advertisement spots (FIG. 1, advertiser (404), trader client 403);

a facilitator unit connected to the global communications network, said facilitator unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said facilitator unit being used by a facilitator in the process for buying advertisement spots and in a process for selling advertisement spots (see FIG. 1, third part financial institution A (408, 409) and TSES (406));

an affiliate unit connected to the global communications network, said affiliate unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said affiliate unit being used by an affiliate in the process for selling advertisement spots (FIG. 1. trader client A (402), broadcaster (411)),

wherein said computer system includes a memory system storing a computer: executable program that includes an agency module, a facilitator module, and an affiliate module, and a processor for executing the program, (see claim 20, col 15, lines 16-23) such that:

the facilitator module enables an authorized facilitator user to input information to the memory system of the computer system regarding an advertisement, to view and/or edit the inputted information, and to perform communications with the agency and the affiliate regarding the advertisement, the agency module enables an authorized agency user to view and/or obtain information regarding the advertisement from the memory

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system of the computer system, and to perform communications with the facilitator regarding the advertisement, and the affiliate module enables an authorized affiliate user to view and/or obtain information regarding the advertisement from the memory system of the computer system, and to perform communications with the facilitator regarding the advertisement (see col 9 lines 32-52).

**As per Claim 2:**

Feezell et al discloses the agency module is adapted to enable the authorized agency user to: submit an availability request to the facilitator regarding the advertisement (see claims 1, 10);

view proposal information for a proposal from the facilitator regarding the availability request; submit a response to the proposal to the facilitator; if the proposal is accepted by the agency, view order information for an order to the affiliate regarding the advertisement, the order information including a schedule of spots for the advertisement; if the order is accepted by the affiliate, view contract information for a contract automatically generated from the accepted order;

view invoice information for an invoice corresponding to the order;

download a version of the proposal information, the order information, the contract information, and/or the invoice information formatted for analysis using agency software;

and view and/or print a printable version of the proposal, the order, the contract, and/or the invoice information (see col 9, lines 32-52, and FIGS. 4, 5).

**As per Claims 3 and 5:**

Feezell et al. discloses each of the proposal information, the order information, the contract information, and the invoice information includes status information for tracking a status of the proposal, the order, the contract, and the invoice, respectively (see col 11, lines 55-67).

**As per Claim 4:**

Feezell discloses the affiliate module is adapted to enable the authorized affiliate user to: submit availability information to the facilitator regarding available spots for advertisements;

view order information for an order from the facilitator regarding the advertisement, the order information including a schedule of spots for the advertisement; submit a response to the order to the facilitator; if the order is accepted by the affiliate, view contract information for a contract automatically generated from the accepted order; submit information regarding an affidavit of performance of the contract to the facilitator; download a version of the order and/or the contract formatted for analysis using affiliate software; and view and/or print a printable version of the order and/or the contract, may view contracts and make-goods owed to buyers, may create and edit rate cards, and may process incoming bids (see col 9, lines 32-52).

**As per Claim 6:**

Feezell discloses the facilitator module is adapted to enable the authorized facilitator user to: receive an availability request from the agency regarding the advertisement; exchange availability information with the affiliate regarding available of

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spots for advertisements; prepare a proposal for an advertisement schedule; submit the proposal to the agency; receive a response to the proposal from the agency; revise the proposal; if the proposal is accepted by the agency, generate an order from the accepted proposal; submit the order to the affiliate; receive a response to the order from the affiliate to the facilitator; if the order is accepted by the affiliate, automatically generate a contract from the accepted order;

revise the order and submit the revised order to the affiliate; if the revised order is accepted by the affiliate, automatically generate a contract from the accepted revised order; store and update invoice information for an invoice corresponding to the order; and receive information regarding an affidavit of performance of the contract from the affiliate (see col 9, lines 32-52 and FIGS. 4, 5).

**As per Claim 7:**

Feezell et al. discloses multiple authorized agency users from multiple agencies may access the agency module (see FIG. 1).

**As per Claim 8:**

Feezell et al. discloses multiple authorized affiliate users from multiple affiliates may access the affiliate module (see FIG. 1).

**As per Claim 9:**

Feezell et al. discloses the network is comprised of an Internet network (see FIG. and col 4, lines 52-58).

**As per Claims 28, 35:**

Feezell et al. discloses a system, method, computer readable storage medium embodying a computer executable program for buying spots for advertisements, said system comprising: a central computer system connected to a global communications network; an agency unit connected to the global communications network, said agency unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said agency unit being used by an agency in a process for buying advertisement spots; a facilitator unit connected to the global communications network, said facilitator unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said facilitator unit being used by a facilitator in the process for buying advertisement spots; wherein said computer system includes a memory system storing a computer-executable program that includes an agency module and a facilitator module, and a processor for executing the program such that: the facilitator module enables an authorized facilitator user to input information to the memory system of the computer system regarding an advertisement, to view and/or edit the inputted information, and to perform communications with the agency, and the agency module enables an authorized agency user to obtain information regarding the advertisement from the memory system of the computer system, and to perform communications with the facilitator user regarding the advertisement, and wherein the agency module is adapted to implement any or all of (See FIG. 1, TSES (406), Database (405) and network (401), advertiser (404), trader client 403, claim 20, col 15, lines 16-23):



a logon authorization process to permit only an authorized agency user to access the agency module (see col 8, lines 5-21); a search of the memory system for orders associated with a logon ID of the authorized agency user, based on search criteria inputted by the authorized agency user; cause a list of orders resulting from the search to be displayed; cause information corresponding to an order selected from the list to be displayed; cause proposal information, contract information, and/or invoice information corresponding to the selected order to be displayed; convert the order information, the proposal information, the contract information, and/or the invoice information to a format selected by the authorized agency user, the format being compatible with agency software; and download the converted order information, the converted proposal information, the converted contract information, and/or the converted invoice information to the agency unit (see col 6, lines 49-65).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 16, 17, 20, 21, 30, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feezell et al. (US 6,253,189), in view of Holtz et al. (US 2003/0070167).**

**As per Claim 16:**

Feezell et al. discloses a method for buying spots for advertisements utilizing a central computer system with a memory system storing a computer-executable program that includes an agency module, a facilitator module, and an affiliate module, and a processor for executing the program, and utilizing a global communications network interconnecting the computer system, an agency, a facilitator, and an affiliate, said method comprising the steps of:

the agency submitting, via the agency module and the network, an availability request to the facilitator regarding the advertisement; the agency viewing, via the agency module and the network, proposal information for a proposal from the facilitator regarding the availability request;

the agency submitting, via the agency module and the network, a response to the proposal to the facilitator; if the proposal is accepted by the agency, the agency viewing, via the agency module and the network, order information for an order to the affiliate regarding the advertisement, the order information including a schedule of spots for the advertisement; if the order is accepted by the affiliate, the agency viewing, via the agency module and the network, contract information for a contract automatically generated from the accepted order; the agency viewing, via the agency module and the network, invoice information for an invoice corresponding to the order ; the agency selecting, via the agency module, a format for downloading the proposal information, the order information, the contract information, and/or the invoice information, such that information downloaded in the selected format is compatible with and may be is further

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analyzed using agency software; and the agency viewing and/or printing, via the agency module and the network, a printable version of the proposal, the order, the contract, and/or the invoice information (see claim 10 rejection and claim 11 rejection).

**As per Claim 17:**

Feezell et al. discloses each of the proposal information, the order information, the contract information, and the invoice information includes status information for tracking a status of the proposal, the order, the contract, and the invoice, respectively (see col 11, lines 55-67).

**As per Claim 20:**

Feezell et al. discloses a method, according to any one of Claims 16 and 18, wherein the facilitator module, is adapted to enable the authorized facilitator user to: receive an availability request from the agency regarding the advertisement; exchange availability information with the affiliate regarding available of spots for advertisements; prepare a proposal for an advertisement schedule; submit the proposal to the agency; receive a response to the proposal from the agency; revise the proposal; if the proposal is accepted by the agency, generate an order from the accepted proposal; submit the order to the affiliate; receive a response to the order from the affiliate to the facilitator; if the order is accepted by the affiliate, automatically generate a contract from the accepted order; revise the order and submit the revised order to the affiliate; if the revised order is accepted by the affiliate, automatically generate a contract from the accepted revised order; store and update invoice information for an invoice corresponding to the order; and receive information regarding an affidavit of

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performance of the contract from the affiliate (See FIG. 1, TSES (406), Database (405) and network (401), advertiser (404), trader client 403, col 6, lines 49-65 and FIGS 4, 5).

**As per Claim 21:**

Feezell et al. discloses the network is comprised of an Internet network (see FIG. and col 4, lines 52-58).

**As per Claim 30:**

Feezell et al. discloses a programmable computer according to one of Claims 28 and 29, wherein the facilitator module is adapted to enable the authorized facilitator user to: receive an availability request from the agency regarding the advertisement; exchange availability information with the affiliate regarding available of spots for advertisements; prepare a proposal for an advertisement schedule; submit the proposal to the agency; receive a response to the proposal from the agency; revise the proposal; if the proposal is accepted by the agency, generate an order from the accepted proposal; submit the order to the affiliate; receive a response to the order from the affiliate to the facilitator; if the order is accepted by the affiliate, automatically generate a contract from the accepted order; revise the order and submit the revised order to the affiliate; if the revised order is accepted by the affiliate, automatically generate a contract from the accepted revised order; store and update invoice information for an invoice corresponding to the order; and receive information regarding an affidavit of performance of the contract from the affiliate (See FIG. 1, TSES (406), Database (405) and network (401), advertiser (404), trader client 403, col 6, lines 49-65 and FIGS 4, 5).

**As per Claims 37:**

Feezell et al. discloses a computer readable storage medium according to any one of Claims 35 and 36, wherein the facilitator module is adapted to enable an authorized facilitator user to: receive an availability request from the agency regarding the advertisement; exchange availability information with the affiliate regarding available of spots for advertisements; prepare a proposal for an advertisement schedule; submit the proposal to the agency; receive a response to the proposal from the agency; revise the proposal; if the proposal is accepted by the agency, generate an order from the accepted proposal; submit the order to the affiliate; receive a response to the order from the affiliate to the facilitator; if the order is accepted by the affiliate, automatically generate a contract from the accepted order; revise the order and submit the revised order to the affiliate; if the revised order is accepted by the affiliate, automatically generate a contract from the accepted revised order; store and update invoice information for an invoice corresponding to the order; and receive information regarding an affidavit of performance of the contract from the affiliate (see rejection of claim 30).

**As per Claim 40:**

Feezell et al. discloses a method and a computer readable storage medium according to Claim 22, and 38, further comprising the steps of inputting, via the agency module and the network, search criteria for searching for invoice information; searching, via the agency module and the network, the memory system for invoice information associated with the logon ID of the authorized agency user, based on the inputted search criteria; the agency module causing a list of invoices resulting from the search

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to be displayed; selecting, via the agency module and the network, an invoice from the list of invoices; the agency module causing information corresponding to the selected invoice to be displayed; selecting, via the agency module and the network, a download format that is compatible with agency software; the agency module converting the invoice information to the selected format; and the agency module downloading the converted invoice information to the agency unit (see rejection of claim 22).

### ***Response to Arguments***

5. The applicant's arguments have been considered and are found to be unpersuasive. On page 17 of the Applicant's response, the Applicant agrees that the Feezell system may facilitate the buying and selling of individual time slots or spots, albeit "cumbersome" from the Applicant's point of view.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Tuesday through Friday from 7:30am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached 570-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6102.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMH

/Arthur Duran/  
Primary Examiner, Art Unit 3622